

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHARRON HIGGS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:04CV1479 RWS
)	
EMC MORTGAGE CORP. et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff is requesting a “current” pay off statement from EMC Mortgage, even though they have produced one to her dated December 11, 2006, before the scheduled December 20, 2006 closing date. I do not know how much more current EMC can be with the pay off statement, but to the extent it is possible to provide plaintiff with a more current pay off statement before December 20, 2006, I will require it to do so. **However, EMC’s failure to produce a more current pay off statement to plaintiff will not delay the scheduled closing date.**

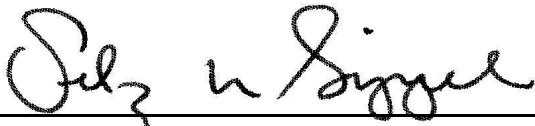
Plaintiff must still appear for the closing on the date and in the manner ordered, and her failure to do that will result in the dismissal of her case with prejudice.

Accordingly,

IT IS HEREBY ORDERED that EMC will produce a current pay off

statement to plaintiff, if possible, before December 20, 2006 as requested by plaintiff in her Memorandum dated December 12, 2006 [#106].

IT IS FURTHER ORDERED that, even if EMC does not provide a current a pay off statement to plaintiff, the closing date remains set for December 20, 2006 at 10:30 a.m. in Courtroom 10-South, and plaintiff must comply with my prior Orders to appear for the closing, sign the loan documents, pay the unpaid mortgage payments and taxes as set forth in the loan documents filed with the Court on November 21, 2006, provide proof that her homeowner's insurance is current at the time of closing and that defendant EMC is an additional insured on her homeowner's insurance policy. If plaintiff fails to comply, I will dismiss her case with prejudice as a sanction for refusing to comply with the settlement agreement. No further notice will be given, and no extensions of time will be granted.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 14th day of December, 2006.